House File 820 - Introduced

HOUSE FILE 820
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 257)

A BILL FOR

- 1 An Act relating to court records for residential forcible entry
- 2 and detainer actions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

H.F. 820

- 1 Section 1. Section 648.22, Code 2021, is amended to read as 2 follows:
- 3 648.22 Judgment execution costs sealing of court 4 records.
- 5 1. If the defendant is found guilty, judgment shall be
- 6 entered that the defendant be removed from the premises, and
- 7 that the plaintiff be put in possession of the premises, and
- 8 an execution for the defendant's removal within three days
- 9 from the judgment shall issue accordingly, to which shall be
- 10 added a clause commanding the officer to collect the costs as
- 11 in ordinary cases.
- 12 2. In a residential forcible entry and detainer action the
- 13 court shall enter an order sealing the court records of the
- 14 action not later than three days from the date of the hearing,
- 15 or from the date the hearing would have been held as provided
- 16 by law, if any of the following occurs:
- 17 a. The defendant is found not guilty.
- 18 b. By motion or upon the court's own determination, the
- 19 court finds there is no genuine issue of material fact between
- 20 the parties.
- 21 c. The court dismisses the plaintiff's claim.
- 22 d. The plaintiff withdraws the claim.
- 23 e. The plaintiff does not appear for the hearing.
- 24 f. Both parties consent to the order.
- 25 3. Upon application of a defendant found guilty in a
- 26 residential forcible entry and detainer action for nonpayment
- 27 of rent, the court shall enter an order sealing the record of
- 28 the action, the existence of the petition, all filings and
- 29 documentation within the case file, and any associated writs of
- 30 execution, if all of the following conditions are met:
- 31 a. More than three years have passed since the date of the
- 32 finding of guilt.
- 33 b. The applicant has not been found guilty in a subsequent
- 34 forcible entry and detainer action in the three-year period
- 35 directly preceding the application.

cm/jh

- 1 c. The applicant has not previously been granted a sealing
- 2 of a finding of guilt under this chapter within ten years prior
- 3 to the application.
- 4 4. The application to seal the record of the action shall be
- 5 included in the record the defendant wishes to seal, using a
- 6 form prescribed by the supreme court.
- 7 5. Upon sealing, the existence of the petition, all filings
- 8 and documentation within the case file, and any associated
- 9 writs of execution shall be removed from any publicly
- 10 accessible location under the direction of the judicial branch
- 11 or county, as applicable. Notwithstanding chapter 22, records
- 12 sealed upon satisfaction of the requirements specified in this
- 13 section shall not be available for public inspection except in
- 14 one of the following manners:
- 15 a. Upon request by the defendant or the attorney for the
- 16 defendant by filing a motion in the sealed case.
- 17 b. Upon application to the judicial branch using a form
- 18 prescribed by the supreme court for scholarly, educational,
- 19 journalistic, or governmental purposes only, provided that in
- 20 all cases, the names of minor children shall remain sealed
- 21 at all times, and that the names and personally identifiable
- 22 information of all persons named as defendants or included in
- 23 the plaintiff's petition shall be redacted and remain sealed
- 24 unless the court determines that release of such information is
- 25 necessary to fulfill the scholarly, educational, journalistic,
- 26 or governmental purpose of the request.
- 27 c. The clerk of court in the county in which an action is
- 28 originated shall maintain a record in the aggregate of all
- 29 filings and the final disposition of any such actions, to
- 30 include dismissal, default judgment, and writs associated with
- 31 disposition. The clerk of court shall make available to the
- 32 public and report annually such aggregate information in such
- 33 a manner prescribed by the supreme court as to protect the
- 34 identity of the parties while still providing the public with
- 35 information regarding eviction proceedings in the county.

H.F. 820

1 6. Upon sealing, a consumer reporting agency shall 2 not disclose the existence of, or information regarding, 3 an eviction action or other civil action sealed or made 4 confidential under this section or use such action as a factor 5 to determine any score or recommendation to be included in a 6 consumer report regarding any person named in such case. 7 **EXPLANATION** The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly. 10 This bill relates to sealing court records of residential 11 forcible entry and detainer actions. 12 The bill provides that a court shall seal the court records 13 of an eviction action not later than three days from the date 14 of the hearing if any of the following have occurred: the 15 defendant is found not quilty, the court finds there is no 16 genuine issue of material fact between the parties or dismisses 17 the plaintiff's claim, the plaintiff withdraws the claim, the 18 plaintiff does not appear for the hearing, or if by consent of 19 both parties. The bill provides that upon application of a defendant found 21 quilty in an eviction action for nonpayment of rent, the court 22 shall seal the court records if more than three years have 23 passed since disposition, the applicant has not been found 24 guilty in subsequent eviction action in the three-year period 25 preceding the application, and the applicant within the last 10 26 years has not been granted a sealing of eviction court records. 27 The application to seal shall be included in the sealed court 28 records. 29 The bill provides that upon sealing of court records, all 30 filings, documentation, and writs of association shall be 31 removed from any publicly accessible location. Court records 32 sealed shall not be available for public inspection except upon 33 request by the defendant or the attorney for the defendant

cm/jh

34 by filing a motion in the sealed case or application to the 35 judicial branch using a form to be prescribed by the supreme

H.F. 820

- 1 court for scholarly, educational, journalistic, or governmental
- 2 purposes. The bill requires the clerk of court in the county
- 3 in which an action is originated to maintain a record in the
- 4 aggregate of all filings and to make such information available
- 5 to the public in such a manner prescribed by the supreme court
- 6 as to protect the identity of the parties while still providing
- 7 the public with information relating to eviction actions in the
- 8 county.
- 9 The bill provides that upon sealing a consumer reporting
- 10 agency shall not disclose the existence of, or information
- ll regarding, an eviction action or other civil action sealed or
- 12 made confidential under the bill or use such action as a factor
- 13 to determine any score or recommendation to be included in a
- 14 consumer report regarding any person named in such case.